

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 69757

Christopher Black
Jessica Black

1008 Foxwood Lane

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on February 24, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-4-201; 35-5-302; 13-7-310, 312; 12-3-106; Baltimore County Zoning Regulations (BCZR) section 101; 102.1; 1B01.1A; 1B01.1D, failure to cease open dump, failure to store trash in cans with tight fitting lids, failure to remove feces daily on residential property known as 1008 Foxwood Lane, 21221.

On January 29, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,200.00 (one thousand two hundred dollars)

The following persons appeared for the Hearing and testified: Jessica Black, Co-Owner of the property and Christina Frink, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 21, 2010 for removal of open dump/junk yard, remove untagged/inoperative motor vehicle, remove trash and debris, store garbage in cans with tight lids, remove animal feces daily and, remove furniture. This Citation was issued on January 29, 2010.

B. Inspector Christina Frink testified that her inspections of this residential property found trash and garbage in cans without lids; and indoor furniture on the open porch. Photographs in the file show these items, including an upholstered recliner chair and an upholstered office chair on the open porch. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Inspector Frink further testified that her inspections found an untagged white 2-door car parked on the property. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicle and make it operable, or remove it from the property.

D. Inspector Frink further testified that her inspections found numerous piles of dog feces in the yard. Photographs in the file show numerous piles of dog feces. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

E. Respondent Jessica Black testified that prior to this Hearing nearly all the violations were corrected. The car has been tagged. She provided a copy of the new registration certificate. She further testified that she did not understand that the front porch furniture was a violation, and requested time to remove the upholstered items.

F. Because compliance is the goal of code enforcement, and most of the violations were corrected prior to this Hearing, the civil penalty will be rescinded if re-inspection finds all the violations corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspection by March 15, 2010 finds the violations corrected.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 3rd day of March 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.